

Jun 17, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODRIGO HERNANDEZ FARIAS
(2),

Defendant.

NO: 2:20-CR-82-RMP-2

ORDER ENTERING PROTECTIVE
ORDER AND GRANTING THE
GOVERNMENT'S MOTION TO
DISCLOSE TO DEFENSE COUNSEL
BUT NOT UNSEAL

BEFORE THE COURT are the Government's Motion to Disclose to Defense Counsel but Not Unseal, ECF No. 20, and Motion for Protective Order, ECF No. 19. The Government represents that counsel for Defendant Rodrigo Hernandez Farias has been contacted and has no objection to either motion. ECF Nos. 19 at 1; 20 at 1.

The Government seeks authorization from the Court to disclose to Defendant in discovery for the above-captioned matter documents filed in seven magistrate case numbers, with the identities and activities of individuals who have not yet been charged redacted from the documents prior to disclosure. ECF No. 20 at 2. The

ORDER ENTERING PROTECTIVE ORDER AND GRANTING THE
GOVERNMENT'S MOTION TO DISCLOSE TO DEFENSE COUNSEL BUT
NOT UNSEAL ~ 1

1 documents shall remain under seal for all other purposes, until further order from the
2 Court. *Id.*

3 The Government further seeks entry of a protective order to govern the
4 disclosure of sealed or otherwise sensitive information produced in discovery.

5 The Court finds good cause to grant both motions as a means of balancing the
6 United States' discovery obligations to Defendant with the need to protect sensitive
7 and/or confidential information. The Court further finds that the Government has
8 shown good cause for the proposed redactions and the continued sealing of the
9 subject documents from disclosure to the public is warranted to protect the
10 confidentiality of ongoing investigations and the discussion of confidential sources.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. The Government's Motion to Disclose to Defense Counsel but not
13 Unseal, **ECF No. 20**, is **GRANTED**, to the effect that:

- 14 a. The materials listed in the Government's Motion shall remain
15 sealed, but may be provided to defense counsel.
- 16 b. The Government may redact the identities and activities of
17 individuals it anticipates may yet be charged from documents
18 before making them available to defense counsel.
- 19 c. Any attorney for the Government, and or any witness, appearing
20 in court (including U.S. Magistrate Court, U.S. District Court, and
21 the U.S. Court of Appeals for the Ninth Circuit) in any hearings

ORDER ENTERING PROTECTIVE ORDER AND GRANTING THE
GOVERNMENT'S MOTION TO DISCLOSE TO DEFENSE COUNSEL BUT
NOT UNSEAL ~ 2

1 related to the prosecution of Case No. 2:20-CR-00082-RMP-2 is
2 authorized to make open-court and/or closed-court references to
3 the existence and/or content of such sealed documents.

4 d. Defense counsel appointed or retained to represent the Defendant
5 charged pursuant to Case No. 2:20-CR-00082-RMP-2, or any
6 superseding indictment or information, is authorized to make
7 open-court and/or closed-court references to the existence and/or
8 contents of such sealed documents.

9 e. Any future pleadings that reference the contents of materials listed
10 in the Government's Motion shall be filed under seal absent
11 further order of the Court.

12 2. The Government' Motion for Protective Order, **ECF No. 19**, is
13 **GRANTED**. A Protective Order is in effect as follows:

14 **PROTECTIVE ORDER**

15 A. The Government will provide discovery materials on an ongoing basis to
16 defense counsel;

17 B. Discovery materials that contain the voice or image of a confidential source
18 will be made available for defense counsel's review at the United States
19 Attorney's Office. Until further Order of the Court, those materials may not be
20 shown to the Defendant or left in the Defendant's custody;

1 C. Defense counsel may possess, but not copy (excluding the production of
2 necessary working copies), all discovery materials that do not contain the voice
3 or image of a confidential source, including sealed documents;

4 D. Defense counsel may show to, and discuss with, the Defendant all discovery
5 materials that do not contain the voice or image of a confidential source,
6 including sealed documents;

7 E. Defense counsel shall not provide original or copies of discovery materials to
8 the Defendant;

9 F. Defense counsel shall not otherwise provide original or copies of the discovery
10 material to any other person, including subsequently appointed or retained
11 defense counsel, but excluding any staff of defense counsel or investigator
12 and/or expert engaged by defense counsel, who will also be bound by the terms
13 and conditions of the Protective Order;

14 G. The Government, defense counsel, and witnesses may reference the existence
15 and content of sealed/protective discovery material in open and closed court
16 proceedings relevant to Case No. 2:20-CR-00082-RMP-2; provided, however,
17 that any written reference to the content of the protected discovery shall be
18 filed under seal.

19 / / /

20 / / /

21 / / /

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order and provide copies to counsel.

DATED June 17, 2021.

s/ Rosanna Malouf Peterson
 ROSANNA MALOUF PETERSON
 United States District Judge